

DISCUSSION OF THE AMENDMENT

Claim 1 has been amended by incorporating the lower limit of Claim 8 and upper limit of Claim 9 for the weight average molecular weight of the copolymer. Claim 8 has been canceled. Claims 15 and 17 have been amended into independent form.

No new matter is believed to have been added by the above amendment. With entry thereof, Claims 1-6 and 9-20 will be pending in the application.

REMARKS

Applicants thank the Examiner for the courtesy extended to Applicants' attorney during the interview held November 5, 2008, in the above-identified application. During the interview, Applicants' attorney explained the presently-claimed invention and why it is patentable over the applied prior art. The discussion is summarized and expanded upon below.

The rejection of Claims 1-6 and 8-20 under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over, US 2003/0158361 (Yoneda et al), is respectfully traversed.

As Applicants' attorney pointed out during the above-referenced interview, Yoneda et al does not disclose or suggest present component (c). The only polyoxyalkylene compounds disclosed by Yoneda et al, referred to therein as polyalkylene glycol type monomer B [0043], are polyoxyalkylene derivatives of unsaturated alcohols, such as 3-methyl-3-buten-1-ol [0177], which is the unsaturated alcohol used for polyalkylene glycol type monomer B of Example 45 (IPN-10) relied on by the Examiner. This in and of itself is sufficient to distinguish over Yoneda et al since present component (c) is a polyoxyalkylene derivative of a (meth)acrylic acid. Nevertheless, Applicants continue to urge that Yoneda et al's disclosure of their copolymers as water type dispersants, descaling agents, cement additives, and detergent builders [0003] does not suggest the presently-recited method of operating a machine dishwasher wherein the presently-recited copolymers act as deposit-inhibiting additives during the rinse cycle of the dishwasher.

For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-6, 8, 9 and 11-20 under 35 U.S.C. § 103(a) as unpatentable over JP 03-185184 (Fukuda), is respectfully traversed.

As noted by Applicants' attorney during the interview, the only disclosure in Fukuda of treating surfaces other than fibers is that of cleaning dyeing vessels (paragraph bridging pages 2 and 3 of the English translation). However, as also pointed out, the types of residues encountered in such vessels, as shown in Performance Test Example 4 therein, i.e., dye scum and polyester fibre oligomer scum (page 14), are not the types of residues that one skilled in the art would encounter in a machine dishwasher. The Examiner apparently agrees, as confirmed by the Interview Summary for the above-referenced interview. Accordingly, it is respectfully requested that this rejection be withdrawn.

The rejection of Claims 1-6, 8 and 11-20 under 35 U.S.C. § 103(a) as unpatentable over JP 2000-24691 (Ishikawa), is respectfully traversed. Ishikawa discloses a particular water-soluble copolymer as a scale inhibitor for inhibiting silica scale, and having a weight average molecular weight of greater than 50,000 to 3 million. Claim 1 and claims dependent thereon now have a maximum weight average molecular weight of 30,000. As confirmed by the Interview Summary for the above-referenced interview, such limitation overcomes the rejection. In addition, Claims 15 and 17 are separately patentable since Ishikawa's disclosure that their copolymers are added to boiler water systems, geothermal water systems, open or closed circuit cooling water systems and single pass cooling water systems and the like [0026] does not suggest using them during the operation of a machine dishwasher, or having the structure of the rinse aid recited in these claims. Accordingly, it is respectfully requested that this rejection be withdrawn.

The provisional rejection of Claims 1-6 and 8-20 on the ground of nonstatutory obviousness-type double patenting over Claims 1-7 and 10-11 of copending Application No. 10/515,638 ('638 application), is respectfully traversed. The Examiner is respectfully requested to hold the rejection in abeyance until the present claims are found to be allowable but for this rejection or the copending application has been patented. See M.P.E.P. 822.01.

Application No. 10/577,261
Reply to Final Office Action of September 26, 2008

For all the above reasons, it is respectfully requested that the provisional rejection be held in abeyance, if not withdrawn.

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Customer Number

22850

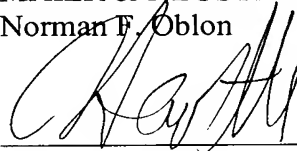
Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

NFO:HAP\la

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon



Harris A. Pitlick

Registration No. 38,779